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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,155	09/19/2003	Chris C. Zank	PECL-0009	7096
23377	7590	10/06/2005	EXAMINER	
WOODCOCK WASHBURN LLP ONE LIBERTY PLACE, 46TH FLOOR 1650 MARKET STREET PHILADELPHIA, PA 19103			JULES, FRANTZ F	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/666,155	<b>Applicant(s)</b> ZANK ET AL	
	<b>Examiner</b> Frantz F. Jules	<b>Art Unit</b> 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,9-11,13,14,19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,9-11,13,14,19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

*Ue*

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 10-11 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by McCrorey (US 2,548,842).

McCrorey discloses a wheel-balancing weight for mounting to a wheel with a flange, the weight comprising a weighted body (1) and a clip (6) securely attached thereto, the clip having a gripping section and the body having a gripping portion generally opposite the gripping section of the clip, the gripping section of the clip and the gripping portion of the body in combination defining a compartment therebetween, the compartment for receiving the flange therein when the weight is mounted thereto such that the gripping section of the clip and the gripping portion of the body are on opposite sides of the flange and grip the flange therebetween, the weighted body (1) having a number of apertures (17) therethrough, the clip (6) having a like number of apertures (12, 13) therethrough, each aperture in the clip corresponding to an aperture in the body, the weight further comprising a like number of attaching members, each attaching member being inserted through a corresponding aperture of the clip and into a corresponding aperture of the body to secure the clip to the body, the attaching member being a stud (14) maintaining a tight interference fit within the corresponding aperture of the body

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since the stud is held in the in the weighted body by no other external force without coming out. The clip being attached to the body in a fixed manner by each attaching member such that the clip is substantially immovable with respect to the body at each attaching member.

With regard to the a tight interference fit, it is factual that a tight interference fit is a broad terminology which place no specific degree of tightness in the claim as the word tight is a relative term.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCrorey (US 2,548,842).

Claims 9 and 19

Regarding using a weight body constructed steel as recited in claims 9 and 19, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify McCrorey to include the use of a weight body constructed of steel in his advantageous system, as balancing weight material selection is a common and everyday occurrence throughout the balancing weight design art and the specific use of a weight body constructed of steel would have been an obvious matter of design preference depending upon such factors as the amount of unbalance force in the wheel, the yield

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strength of the balance weight material; the ordinarily skilled artisan choosing the best stress profile corresponding to a particular loading imposed on the wheel which would most optimize the cost and performance of the device for a particular application at hand, based upon the above noted common design criteria.

5. Claims 3-4 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCrorey (US 2,548,842), as applied to claims 1 and 11 and in view of Hume (2,036,757).

McCrorey teaches all the limitations of claims 3-4 and 13-14 except for a wheel balancing weight comprising a weighted body comprising two apertures in the body and in the clip. The general concept of providing two apertures in a weighed body an in a clip is well known in the art as illustrated by Hume which discloses the teaching of a wheel balancing weight comprising two apertures in the weighted body and in the clip. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify McCrorey to include the use of a weighted body comprising two apertures in the body and in the clip in his advantageous wheel balancing weight as taught by Hume in order to improve the stability of balance weight while exposed to cyclic loading on a vehicle.

### ***Response to Arguments***

6. Applicant's arguments filed 08/17/2005 have been fully considered but they not persuasive.

A. Summary of Applicant's argument

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1. The McCrorey clip is hingedly attached to the body by an attaching member such that the clip is rotated into position to secure the weight thereby not meeting the limitation of the clip being attached in a fixed manner such that the clip is substantially immovable with respect to the body at each attaching member.

B. Response to Argument

1. Applicant's argument is moot in light of the correction made in the identification of the clip member. The clip member which had been previously improperly identified as item 3, has been properly identified as item number 6 which locates the weight body 1 in a fixed manner. McCrorey discloses that the weight is provided with the gate-like latch device 2 having a lower part 3, see col 2, lines 45-48. Clip 6 is used to locate the weight member 1 in a fixed position with the aid of the concave shape of the edge of the rim c which makes the weight impossible to move.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz F. Jules whose telephone number is (571) 272-6681. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph S. Morano can be reached on (703) 308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantz F. Jules  
Primary Examiner  
Art Unit 3617

FFJ

September 30, 2005

FRANTZ F. JULES  
PRIMARY EXAMINER  
